LOWER CANADA

Constitutional Petition.

1835.

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TO THE KING'S MOST EXCELLENT MAJESTY.

THE PETITION OF THE UNDERSIGNED INHABITANTS OF LOWER CANADA,

Humbly Sheweth,

THAT Your Petitioners, deeply sensible of their obligations as Subjects of Your Majesty, and of the many and important advantages which they enjoy in common with their fellow Subjects in this Province, are devoted to the maintenance of its connexion with Great Britain and Ireland, and the Empire of which it is their pride and happiness to form a part.

That among the advantages to be derived from this connexion, there is none which they more highly prize, than that settled Government, Constitutional freedom and security of person and property, which the experience of ages has proved pre-eminently to distinguish the British Constitution of Government, firmly supported as it has been, by the intelligence and wisdom of a public spirited and patriotic People.

That the gratitude of Your Petitioners is justly due to the British Parliament for the Act passed in the Thirty first year of the Reign of His late Majesty George the Third, for making further provision for the government of this Province.

That it was manifestly intended by the said Act, to secure to all Your Majesty's Subjects therein, the benefits of the British Constitution of Government, in so far as the circumstances of the Colony would permit, and as was consistent with its dependance on the Parent State, and a just subordination to its authority.

That it is with the deepest regret Your Petitioners have perceived, by the experience of the forty-two years during which the said Act has been in force, that various causes have come into operation, which have materially diminished, and now threaten to destroy, the benefits intended.

When Canada was ceded to the British Crown by the Treaty of Paris in 1763, it contained a population of about sixty thousand souls who had been Subjects of His Most Christian Majesty.

In virtue of the Capitulation of Canada in one thousand seven hundred and sixty, this population became British Subjects, and were maintained in their property, and by the Act of the British Parliament of the fourteenth George the Third, Chapter eighty-three, the Laws usages and customs of Canada were continued to them; and, in other respects they have become entitled to the enjoyment of all rights, liberties and franchises which belong to or have been granted to the Inhabitants of this Province.

That the said Inhabitants, formerly Subjects of His Most Christian Majesty, and their descendants, under the protection of the said Laws and privileges, have since increased to the number of Four hundred thousand Souls, and retained every characteristic of a distinct people; while those of Your Majesty's Subjects who have come into and settled in this Province from other parts of Your Majesty's Dominions, as well as their descendants, now amounting to about One hundred and fifty thousand Souls, have retained a character equally distinct.

In such circumstances, Your Petitioners humbly conceive, that under whatever form of Government the Colony might have been placed, the utmost discretion, liberality and mutual forbearance, were necessary to prevent the ordinary competitions of life from disturbing the harmony of society, endangering the public peace, and injuriously affecting the general welfare.

Your Petitioners cheerfully bear testimony to the excellent character of the great body of their fellow Subjects of French origin; to their tried fidelity to the British Government, and their just claims to Your Majesty's gracious favor and protection: But when to the unavoidable sources of collision aforementioned, were added those inseparable from the contentions of popular Assemblies, and the ambition of their leading Members, depending for their political existence, personal importance, and the effecting of their views, on the suffrages of the majority of the people, the danger of excitements and collisions between the two populations before mentioned became imminent.

PUBLIC LIBRARIES TORONTO

It had besides unfortunately happened that the French Colonists of Canada had no share or influence in its Legislation and Government while it belonged to France. Their descendants were not therefore trained by experience, education and habits for a Government of a more popular form. They were without a sufficient number of men of enlarged and liberal views embracing all interests in the Colony and its relations with the Parent State, to discharge the high and important functions of Legislators; and the events of war had left among the people feelings and prejudices, apprehensions and jealousies, not easily to be eradicated under the Government of a people with whom they had so frequently been involved in hostilities.

In consequence of these circumstances, and the liberal provisions of the aforementioned Acts of the British Parliament, the Constitution of the Representative Branch of the Government of the Province entirely depended upon the majority of the population of French origin, and the whole powers of that Branch inevitably fell into their hands, or rather into the hands of the leading men amongst them, who, in many instances, participated in the popular prejudices, jealousies and suspicions against the population not of their origin.

The evils arising from this state of things, have been greatly increased and aggravated by the Act of the Imperial Parliament placing at the disposal of the Assembly, absolutely and unconditionally, as it is understood by that Body, the important Revenue by means of which the Civil Expenditure of the Province was previously defrayed. By this increase to the power derived from great numerical superiority in the Assembly, have been superadded the irresistible weight and influence necessarily conjoined with the exclusive power of appropriating the Revenues indispensably requisite for defraying the Civil Expenditure of the Province, by means of which the Executive Government has been rendered entirely dependent on the will and pleasure of the leaders in the Assembly for its very existence, and public authority, both administrative and judicial, from the Governor in Chief and the Chief Justice of the Province to the most humble individual in the scale of office, has been subjected to their interested, partial, vindictive, or capricious control.

Your Petitioners have seen with sincere regret and alarm, that the powers of the Assembly have been exercised by the leaders in that Body, with a spirit of decided hostility to Your Majesty's Government, of disregard for the peace and welfare of the Province, and with ill disguised projects of exclusion and proscription against Your Majesty's Subjects not of their national origin, and even against those of their own origin, who were not disposed to support them in their unjust and pernicious views.

Your Petitioners humbly represent, that at the late General Election this spirit of exclusion and proscription has been carried to the extent, that although the population not of French origin, amounts to more than one fourth of the population, it has not been able to return more than fourteen Members of the choice of the Electors, or representing their views and interests, out of a House composed of eighty-eight Members, and that the whole of the population not of French origin in the Cities and Counties of Quebec and Montreal, although they nearly equal the French population in number, have not been able to return one Member of their choice, out of twelve.

This result, which in fact leaves a population having great and permanent interests in the Province, and contributing a very large proportion of the Public Revenue without even the power of being heard in the Legislature of the Country by any person of their choice or responsible to them, has been facilitated by an unjust and faulty distribution of the Elective franchise; by including the new and growing Settlements of persons not of French origin in Counties where that origin predominates, and where their votes are lost; and by the incessant and systematic efforts of the leading characters in the House of Assembly of French origin, to depress and vilify the population not of their origin, with a manifest tendency to subject their persons and property, and the whole Country, to the arbitrary rule and control of these characters, through the instrumentality of a majority acting and held together under the impulses of national prejudices and feelings.

It is with the deepest regret and alarm that Your Petitioners have witnessed the progress of the various attempts made in the House of Assembly, tending to the aforementioned purposes, as recorded in the Journals of that House: They have refused or neglected to co-operate in the gracious and beneficent intentions of Your Majesty's Government, for the redress of grievances, the remedy of abuses, and for the advancement of the public prosperity; they have vilified and endeavored to destroy another and co-ordinate Branch of the Legislature, established under and in virtue of the authority of the aforementioned Act of the British Parliament; promoted and countenanced tumultuous and riotous assemblies and proceedings; endeavored to bring the Administration of Justice into contempt; diverted the privileges of the Assembly entrusted to them for the protection of popular rights, to the destruction of these rights; they have, avowedly, in their Legislative capacity, acted upon distinctions of national origin among Your Majesty's Subjects; have sanctioned these distinctions by their Resolutions of the twenty first of February, one thousand eight hundred and thirty four; invited the

formation of Committees and Conventions; authorized them to contract Loans on the eve of a general Election; pledged the honor of the Representatives of the People to pay the expenditures of these Committees and Conventions out of the public monies; and publicly threatened to apply elsewhere, than to the constituted authorities in the Province, and to the supreme authority of the British Parliament, for a remedy of alledged grievances.

Your Petitioners further represent that these proceedings have already entailed heavy losses on Your Petitioners and the Country by the diminution of confidence in the security of property and its consequent depreciation in value; by the interruption of useful undertakings; the suspension of public improvements; the decrease of employment; the continuance of various abuses, and the spreading of hatred and ill will, threatening long and fatal dissentions, dangerous to the peace, freedom and prosperity of the Province, and prejudicial to the interests and character of the British Nation and Government.

Suffering under and exposed to so many evils, Your Petitioners cannot even look for consolation and protection to an independent and well organized administration of justice, which is so essential to the well-being of every society. The Judges are held in a state of dependence on the House of Assembly for their subsistence, notwithstanding Your Majesty's gracious concession that their Commissions should be held during good behaviour, on their Salaries being permanently provided for. The system of Judicature established by Act of the Provincial Legislature in one thousand seven hundred and ninety four, is still maintained, although it has become manifestly unsuited to the present state and condition of the Province. From the extension of the Settlements and the increase of the population, the Courts of original Jurisdiction have become inaccessible to the Inhabitants at a distance from them, otherwise than at a ruinous expense, involving in many cases, a denial or failure of justice; while the Court of Appeals, from its peculiar constitution, is unfit for the exercise of the powers with which it is entrusted.

Your Petitioners observe with regret, in the present State of the Province, that the Executive Council, both as respects the number of its Members and its composition, is too defective to answer the purposes of its institution. In every well regulated Government, Your Petitioners most humbly conceive, that the Executive Authority should be aided by the advice of able and well informed individuals acting together in a body, by which sound discretion, uniformity, consistency and system are imparted to its measures; and that among Colonial Governments, which are generally administered by persons laboring under the disadvantage of a deficiency of local information, assistance of this nature is indispensable to the ends of good Government.

Whilst the greatest importance ought to be attached to the selection of fit persons for Seats in the Legislative Council, it is indispensably necessary for the stability of the Government and the security of His Majesty's Subjects within the Province, that the power of appointing Members to that Branch of the Legislature, should continue to reside, exclusively, in the Crown, but subject to such regulations as may be deemed proper, for ensuring the appointment of fully qualified persons.

Your Petitioners, confiding in Your Majesty's wisdom and paternal regard for all Your Majesty's Subjects,

Humbly pray:

That Your Majesty would be graciously pleased to take the premises into consideration, that justice be done therein; and, particularly, that they be secured in their just right of a fair and equitable Representation in the Provincial Assembly, and otherwise protected in their rights as British Subjects, and in the full enjoyment of Constitutional Government.

And Your Petitioners, as in duty bound, will ever pray.

PROVINCE OF LOWER CANADA, 1835.